6. LEGALITY

The "Putsch" was the turning-point in the method pursued by the Movement; henceforth Hitler was determined to proceed by legal means. In his speech in 1934 Hitler said:

"It gave me the opportunity to lay down the new tactics of the Party and to pledge it to legality."

"After the Putsch I could say to all those in the Party what otherwise it would never have been possible for me to say. My answer to my critics was: Now the battle will be waged as I wish it and not otherwise. You do not need to teach me how one should make a revolution: I know that myself. From that time we have fought our battle within the law until today, and despite that we have not lost German youth, nor have we lost the strength which beats in the hearts of our people. All that would not have been possible if we had not marched in 1923. Thus there came the mighty miracle of the German resurrection: that miracle was based on our action on this 8th of November evening eleven years ago.... If we had not acted we should have met the same fate as other movements which talked of a march to Berlin and then later said they never meant a physical march: they spoke only of a march to Berlin in spirit. Victory without battle there has never been in history. We have fought and we were beaten. The others did not fight, and at that time they were not beaten. But these others, who were not beaten then, they have passed, and we, the beaten, in the end have had our victory over the others."

Or as Hitler stated the change in method in the speech delivered in 1937: "This evening and this day (8-9 November 1923) made it possible for us afterwards to fight a battle for ten years by legal means: for make no mistake, if we had not acted then I should never have been able to found a revolutionary Movement, to form it and keep it in being and yet all the time maintain legality. One could have said to me with justice: 'You talk like the others and you will act just as little as the others.' But this day, this decision later made it possible for me, in spite of all opposition, to persevere for nine years: I could say, 'We are a revolutionary Movement, we shall win power, we shall break this State in pieces and subdue it to our will, and yet we refuse to desert the path of legality. Apparently a contradiction, but the sequel has justified us.'"

"In 1923 it was already too late to solve the problem of Germany's distress through violence: in 1920 it might still have been possible.... But the 8th and 8th of November have not only carried over Germany the proclamation of a new revolution but also the proclamation of a new *Weltanschauung.* From that day forward we saw the Movement cross the frontiers of our nearer homeland here in Bavaria: we saw it spread over the whole of Germany. What followed was only the fulfillment, the springing up of the seed."

Hitler, giving evidence in the trial of four National Socialists in Berlin in May 1931, said:

"I have never left any doubt that I demanded from the SA. men the strict observance of the path of legality, and if this veto on illegality was anywhere violated, then the leaders or sub-leaders concerned have always been brought to account.... The watchword 'Strike the enemy dead: strike down the Communist wherever you meet him!' was never issued by us; but our enemies did

in fact give the other watchword, 'Strike down the Fascists wherever you meet them.' Acts of violence have never been contemplated by our Party, nor has the individual SA. man ever wished for them.... Wherever it was established that SA. men carried arms I have intervened and when necessary, if they were not ready to accept my ruling, I have dismissed both leaders and SA. men.... In an organization of some 1,00,000 men naturally some of them may have weapons of defense in their homes. But if the State shuts its eyes to that, there is no reason for me to notice it."

On the same occasion he said:

"We stand absolutely as hard as granite on the ground of legality."

Brüning had said in his speech transmitted over the wireless on 8 December 1931, "When one declares that if one has come into power by a legal way one will then break through the legal barriers, that is no

legality. I must as a statesman most vigorously protest against such a view."

Hitler replied that this was to him completely incomprehensible. "You refuse, as a 'statesman', to admit that if we had come into power legally we could then break through legality. Mr. Chancellor, the fundamental thesis of democracy runs: 'All power issues from the People.' The constitution lays down the way by which a conception, an idea, and therefore an organization must gain from the people the legitimization for the realization of its aims. But in the last resort it is the people itself which also determines its Constitution."

"Mr. Chancellor, if the German nation once empowers the National Socialist Movement to introduce a Constitution other than that which we have today, then you cannot stop it. Statesmen are primarily responsible for that which springs from their spirit and from their action, not for that which another brings about at a later time"....

"The German nation does not live for a Constitution, but it gives itself that Constitution which serves its life, and when a Constitution proves itself to be useless for that life, the nation does not die — the Constitution is altered!"! . . .

"We National Socialists respect the Constitution in our fight for political power, and we hope that we may be able to give the German people a new and a better Constitution. And here and now I promise you that we will respect whatever Constitution may be in force— and respect its spirit—more truly than the present system respects the Weimar Constitution."

Hitler faced the New Year of 1932 "with the conviction that it will be the hardest year of struggle which our Movement has experienced". "If we were bold enough once to believe in our gigantic object and its attainment, let us have the courage today to ride like knights without fear and without reproach through hell, death, and the devil to victory and liberty."

In a speech at Munich an 23 January 1932 he said:

"If the present regime does not make way for us, we will remove it."

*When in 1932 Hitler was standing for the Presidency of the Reich he said: "*I had no personal ambition to become President of Germany and had any other candidate represented our opponents except Field-Marshal von Hindenburg I should have left the campaign to be waged by some other member of our organization. I opposed President van Hindenburg on the sole ground that this system which we have sworn to overthrow was taking refuge behind his reputation and popularity."'

In August 1932 Hitler said that the National Socialist Movement had preserved legality in its fight so far as was humanly possible. His party would now place itself in opposition to the von Papen Government, and the intensity of that opposition would be determined by the degree of harm which would be done by refraining from opposition.

His party in future would fight for power and their methods would be determined by those of their adversaries.

[With this cf. the statement of the President of the Brunswick Diet (reported in "The Manchester Guardian" of 14 September 1932): "Hitler swore to seize power only legally. He still adheres to his oath. But if the von Papen Government should depart from the path of legality and rely upon the bayonets of the Reichswehr, we would not in the least feel ourselves further bound by the oath of our leader."]

When asked after his refusal to enter the non Papen Cabinet whether a bird in the hand was not worth two in the bush Hitler replied:

"I will never sell my Movement for a mess of pottage. There can be no compromise. You cannot expect heroism from a people if the leaders make so-called bearable compromises. My lieutenants always forgive

me if I make a mistake. They would never do so if I renounced my principles.")

But the legality to which Hitler had pledged himself had its limitations, as was shown in the notorious telegram sent in 1932 to the five convicted National Socialist murderers: the message ran as follows:

"My comrades, in face of this monstrous condemnation *(Bluturteils)* I feel myself united with you in boundless loyalty. Your liberation is from this moment a question of our honor. The fight against a Government under which this is possible is our duty."

In an appeal of exceptional violence addressed to National Socialists and published in the V.B. Hitler said: "Herr von Papen has thus inscribed his name upon the history of Germany with the blood of Nationalist fighters.,

Speaking of the Weimar Constitution (in a speech delivered in Munich in September I932) Hitler said: "The constitution was not out of date: it was only now, for the first time, gaining its true significance, because through it the German people was making its voice heard."

In a speech at Munich on 6 October 1932 Hitler said: "One cannot replace a parliamentary system by the mere creation of a new cabinet composed of men who belong to that system. If one wishes to supersede the parliamentary organization that cannot be done through a clique which seeks to impose its will upon the people. That can only be done by means of an unparliamentary organization which has grown up already from below and has proceeded from the people."

In a letter to the Secretary of State, Dr. Meissner, Hitler wrote on 21 November 1932: "That we entered Parliament is to be explained only by the Constitution which compelled us to pursue this legal way. I myself have of set purpose refrained from any parliamentary activity. The only difference between my own view and that of the von Papen cabinet concerning the possibility of an authoritarian Government lies in the fact that for me such a Government must be anchored in the people.

For Hitler's repeated refusal to accept power cf. his speech to the SA. in Berlin on 8 April 1933.

"I know how hard it was for many always to keep their faith that after all the hour would come at last. We almost doubted in justice and in Providence.... And then came the time when we had to say No, when for the first time it seemed that the way to power was opening before us, tempting us: and yet despite this we had to remain hard and say 'No, it is not possible in that way'. And for a second time the doors seemed to open and for the second time we had to say 'No, impossible!' And then at the third time the hour came and that was given to us which we could not but desire, which we had a right to desire, and at last the National Socialist Movement entered into the great period of its historic action "

Kurt Ludecke reports a conversation with Hitler in the fortress of Landsberg after the failure of the "Putsch". Hitler is stated to have said:

"When I resume active work it will be necessary to pursue a new policy. Instead of working to achieve power by an armed *coup,* we shall have to hold our noses and enter the Reichstag against the Catholic and Marxist deputies. If out-voting them takes longer than outshooting them, at least the results will be guaranteed by their own Constitution! Any lawful process is slow. But already, as you know, we have thirty-two Reichstag deputies under this new programme and are the second largest Party in the Bavarian Landtag-diet. Sooner or later we shall have a majority — and after that, Germany. I am convinced this is our best line of action, now that conditions in the country have changed so radically."

On this adoption of a policy of "legality" cf. Kurt G. W. Ludecke, I knew Hitler *(London, 1938), pp. 218ff.*